UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN CIVIL LIBERTIES UNION; and	))	11-cv-3786 (RMB)
AMERICAN CIVIL LIBERTIES UNION FOUNDATION	)))	
Plaintiffs, v.	)))	DECLARATION OF MICHAEL TAN
U.S. DEPARTMENT OF HOMELAND SECURITY; and	))))	
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT	)))	
Defendants.	))	

MICHAEL TAN declares under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1.   My name is Michael Tan. I am a staff attorney of the ACLU Immigrants' Rights Project. I am counsel of record for Plaintiffs in *ACLU v. U.S. Dep't of Homeland Security*, 11-cv-3786 (RMB). This declaration is offered in support of Plaintiffs' Motion for Summary Judgment. I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows.

2.   On September 6, 2012, the parties entered into a Stipulation and Order of Settlement and Partial Dismissal. Defendants agreed to produce a range of database information regarding the immigration detention population.

3.   Pursuant to this Order, on November 13, 2012, Defendants produced three Microsoft Excel spreadsheets entitled ACLU FOIA Request 1 response-LESA-STU-FINAL (hereinafter, "Spreadsheet 1"); ACLU FOIA Request 3-LESA-STU-FINAL; and ACLU FOIA Request 4-LESA-STU-FINAL.

4.   Because of the sheet size of Spreadsheet 1, which contains tens of thousands of individual rows,

it is impractical to submit a copy of Spreadsheet 1 for inspection by the Court. As a result, pursuant to

Federal Rule of Evidence 1006, this declaration provides a summary of Spreadsheet 1 as it relates to

individuals detained six months or longer after entry of a final order of removal.

5.   Plaintiffs are currently in the process of clarifying a number of ambiguities in the data with

Defendants. Thus, the following summary reflects Plaintiffs' preliminary analysis based on its

understanding of the data at this time. This analysis may be updated as Defendants provide further

clarification of the data.

6.   Spreadsheet 1 consists of a series of nationwide population "snapshots" for one day of every

month from January 2011 to January 2012 of individuals who were held six months or longer in

immigration custody as of the date of the snapshot.

7.   Each spreadsheet contains a range of information regarding each detainee, including (1) the date

they were booked into custody (column E, "Book In Date"); (2) whether or not they had a final order of

removal (column H, "Final Order Yes No"); (3) the date their final order was entered (column I, "Final

Order Date").

8.   By sorting according to these fields, I was able to determine the number of individual who were

held six months or longer after entry of their final order of removal as of the date of each population

snapshot. The totals for each month are as follows:

January 2011	499
February 2011	511
March 2011:	525
April 2011:	568
May 2011:	600
June 2011:	547
July 2011:	546
August 2011:	537
September 2011:	466
October 2011:	467

November 2011:   444
December 2011:   456
January 2012:   489

9.   In several cases, individuals had been detained far longer than six months after entry of their

removal order. For example, in October 2011, a Vietnamese man held at the Etowah County Jail in

Gadsden, Alabama had been detained 4 years, 8 months and 25 days. In December 2011, a Russian

man held at the Northwest Detention Center in Tacoma, Washington had been detained 2 years, 4

months, and 8 days. Also in December 2011, a Rwandan man held at the Hampton Roads Regional Jail

in Portsmouth, Virginia had been detained 2 years, 3 months and 28 days.

I declare under penalty of perjury of the laws of the State of California and the United States

that the foregoing is true and correct to the best of my knowledge and belief. Executed this 27th day of

February, 2013 in San Francisco, California.

MICHAEL TAN